

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION**

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**In re**

**201 FOREST STREET, LLC,  
219 FOREST STREET, LLC,**

**Debtors.**

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)  
) **Chapter 11**  
)  
) **Case No. 07-42296 – MSH**  
) **Case No. 07-41768 – MSH**  
)  
) **Jointly Administered**  
)

**ORDER APPROVING SETTLEMENT BY AND AMONG THE DEBTORS,  
LBM FINANCIAL LLC AND MARCELLO MALLEGNI**

This matter having come before the Court for hearing on the Motion by the Debtors, 201 Forest Street, LLC and 219 Forest Street, LLC (respectively, “201 Forest,” and “219 Forest,” and collectively “Forest Street”) and LBM Financial LLC (“LBM”) and Marcello Mallegni (“Mallegni”) (LBM and Mallegni collectively, the “LBM Parties”) to settle a certain Judgment obtained by Forest Street on August 21, 2009, against the LBM Parties in a the adversary proceeding captioned *201 Forest Street, LLC and 219 Forest Street, LLC, et al. v. LBM Financial LLC and Marcello Mallegni* (Adversary Proceeding No. 07-4097) (the “Adversary Proceeding”) (the “Motion”). Due notice having been given and the only objection to the Motion and the Settlement having been filed by Nicholas J. Fiorillo (“Fiorillo”) (the “Objection”). After hearing and upon consideration of the record in the Adversary Proceeding, the Motion, Settlement Agreement, and statements and arguments of counsel, and with the consent of Robert Depietri it is hereby ORDERED as follows:

1. By agreement of Forest Street, the LBM Parties, Paragraph 3(f) the Settlement Agreement is modified to exclude Erie Ave. Residential Realty Trust from the release to be given to the LBM Parties by “trust in which David Depietri, Robert J. Depietri or Kimberly Depietri holds a legal or equitable interest, directly or indirectly,” and in lieu thereof Robert

Depietri hereby assigns his economic interest in the Erie Ave. Residential Realty Trust to the LBM including, but not limited to, any proceeds and or distribution due him on account of his beneficial interest. This assignment shall be effective upon this Order becoming final and no further action need be taken by Robert Depietri or LBM to consummate the assignment.

2. Robert Depietri is further directed that, if requested by ~~the~~ LBM, Robert Depietri will assign his beneficial interest in Erie Ave. Residential Realty Trust to ~~the~~ LBM to the extent and as permitted by the Declaration of Trust for the Erie Ave. Residential Realty Trust.

3. With the modification to the Settlement Agreement set forth in paragraph 1 and 2 above, the Objection of Fiorillo is overruled and the Settlement as modified herein is Approved..

4. In accordance with the Settlement Agreement, Hanify & King is hereby directed to release the Settlement proceeds to Forest Street and Forest Street is authorized and directed to execute any other additional documents which are reasonable and necessary in order to effectuate the terms of the Settlement.

5. The LBM Parties and the Related Parties (as described in the Settlement Agreement) shall proceed to execute any and all additional documents necessary in order effectuate the provisions the Settlement.

Dated at Worcester this 19th day of August, 2010.



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Melvin S. Hoffman  
Bankruptcy Judge

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